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In The U.S. District Court Alabama Middle District (Montgomery)
Civil Docket for Case No. 2:06-cv-00985-WKW-TFM

Pierce v. American General Finance, Inc and others

AFFIDAVIT OF ATHEAL PIERCE

COMES NOW affiant, Atheal Pierce, who after being^{*} duly sworn under oath, deposes and states that the following facts are within his personal knowledge, and that if called as a witness he could testify competently thereto:

1. I filed the pending lawsuit on October 30, 2006 and paid the filing fee on October 31, 2006.
2. I sued American General Finance, Incorporated, a corporation located in Evansville, Indiana.
3. I received a threatening letter from Mr. David A. Elliott even though it is clear that my lawsuit informs all concerned that the suit is due to be amended.
4. Secondly, I received a motion to dismiss, or in the alternative, to compel arbitration. An affidavit was attached.
5. Mr. David A. Elliott is attempting to rush to judgment without first understanding the complaint of Pierce.
6. Mr. David A. Elliott's motion attempts to intertwine or approach collateral concerns ^{beyond} within the complaint of Pierce.
7. Mr. David A. Elliott reveals that he needs to file a FRCP 12(e) motion.
8. Mr. David A. Elliott can not threaten an adverse party into doing nothing and then proceed to file a 12b-6-motion.
9. Mr. David A. Elliott's motion wrongfully suggests that Pierce's efforts are frivolous.

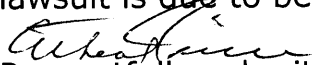
-Cite: paragraph-1. This lawsuit is another in a long line of frivolous efforts by Pierce to manipulate the legal process.

-Cite: paragraph-10. This lawsuit is merely a continuation of Pierce's previous efforts to cynically manipulate the judicial process.

-Cite: paragraph -11. The Court should bring an end to Pierce's abuse of the judicial process and dismiss his Complaint for failure to state a claim upon which relief can be granted.

10. As the whole wide world can see, Mr. David A. Elliott's motion is dealing with something other than the pleadings and the amended notice filed by Pierce.

11. The Motion filed by Mr. David A. Elliott is due to be denied and Pierce's lawsuit is due to be amended as so noted in the original pleadings of Pierce.

**Submitted under penalty of perjury.*

Respectfully submitted:

112 Knollwood Blvd.
Montgomery, Alabama 36117

Certificate of service

I hereby certify that I have served a copy of the foregoing document by U.S. Mail on this the 23rd day of April, 2007:

Mr. David A. Elliott
420 North 20th Street
3100 Wachovia Tower
Birmingham, Alabama 35203

s/Atheal Pierce  _____